

REMARKS

Claims 1-4, 9-16 and 18-22 are pending after entry of the present Amendment. Claim 17 is withdrawn from further consideration as being drawn to a non-elected invention and is hereby canceled. Claims 18-22 are newly added and claims 2, 5-8, 10 and 13-16 are objected to.

35 U.S.C. §102:

Claims 1, 3 and 4

Claims 1, 3 and 4 are rejected under 35 U.S.C. §102(b) as being anticipated by Cook et al. (U.S. Pat. No. 5,146,902 [hereafter the “’902 patent”]).

Claim 5 includes allowable subject matter, as noted by the Examiner in section 4 of the Office Action. Claim 1 is amended to include the allowable subject matter of claim 5, therefore rendering the rejection of claim 1 moot. Claim 1 and dependent claims 3 and 4 are deemed allowable.

Claim 9 and 11-12

Claim 9 and 11-12 are rejected under 35 U.S.C. §102(b) as being anticipated by Cook et al. (U.S. Pat. No. 5,390,645 [hereafter the “’645 patent”]).

It is respectfully submitted that the Examiner’s application of the ‘645 patent against claims 9 and 11-12 is not proper. In particular, the ‘645 patent discloses to detect leaks in a portion of a system (including a fuel tank and a vapor collection canister) by closing off that portion and then positively pressurizing it by means of an air pump. The pumped air is split into

two separate paths: one to pressurize the closed-off portion of the system, and the other to flow through an orifice having a known size, as shown in Figure 1. Differential flow meters 48 and 50 compare the flow through one path with that through the other to determine if there is leakage.

On the other hand, present claim 9 recites, *inter alia*, “a bypass valve which is openable and closable, which is in a vapor purge system including a canister that is communicated with a fuel tank and an internal combustion engine, and which bypasses a two-way valve interposed between the fuel tank and the canister.” The ‘645 patent does not disclose at least the claimed bypass valve and its relation with the claimed two-way valve. For example, a two-way valve is not provided between the fuel tank and canister in the prior art, as can be observed from Figure 1 of the ‘645 patent. If the Examiner disagrees, he is respectfully requested to specifically point out where these features are found.

Consequently, Applicant submits that claim 9 is not anticipated by the ‘645 patent, and the rejection of claim 9 under 35 U.S.C. § 102(b) should be withdrawn. Similarly, dependent claims 11-12 are not anticipated by the ‘645 patent, at least by virtue of their dependency on independent claim 9.

Allowable Subject Matter:

Claims 2, 5-8, 10, 13-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 18-21 are added to respectively capture the

AMENDMENT UNDER 37 C.F.R. § 1.111
Appln. No.: 10/771,458

Attorney Docket No.: Q79753

allowable subject matter of claims 2 and 6-8. Claim 22 includes features of claims 1, allowable claim 5, and claim 9, and is likewise deemed allowable.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

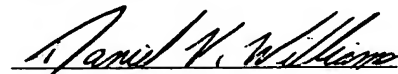
SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Respectfully submitted,



Daniel V. Williams
Registration No. 45,221

Date: December 29, 2005